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17 **UNITED STATES DISTRICT COURT**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

20 3COM CORPORATION,  
21  
22 Plaintiff/Counterdefendant,  
23 v.  
24 D-LINK SYSTEMS INC.,  
25 Defendant/Counterplaintiff.

Case No. Cv-05-00098-VRW

**STIPULATION AND ~~PROPOSED~~ ORDER**  
**SUSPENDING DISCOVERY SCHEDULE**  
**IN LIGHT OF PENDING SETTLEMENT**

26 WHEREAS, the parties in the above-captioned action have reached an agreement-in-  
27 principle to settle all of their outstanding claims and counterclaims in this action, and anticipate  
28

1 the prompt preparation and execution of a definitive settlement agreement according to the  
2 agreed-upon terms;

3 WHEREAS, pursuant to the Court's order dated June 22, 2007, the parties were to  
4 exchange rebuttal expert reports on August 8, 2007;

5 WHEREAS, the parties have served various discovery requests upon each other and  
6 certain non-parties, which are pending;

7 WHEREAS, the parties wish to avoid undue cost and expense in connection with further  
8 submissions and compliance with discovery demands pending settlement of this action;

9 NOW, THEREFORE, THE PARTIES STIPULATE AND AGREE and respectfully  
10 request the Court to order as follows:

11 1. The exchange of rebuttal expert reports, and the parties' responses to all pending  
12 discovery requests, shall be adjourned to enable the parties to consummate their contemplated  
13 settlement;

14 2. If the parties are unable to execute a mutually satisfactory settlement agreement  
15 within thirty (30) days, within two weeks thereafter the parties shall meet and confer and present  
16 to the Court a proposed revised schedule for the completion of discovery in this case.

17  
18 Dated: August 8, 2007

19 By: /s/ Kerry L. Konrad  
20 Kerry L. Konrad  
21 (*pro hac vice*)  
22 Attorneys for Plaintiff/Counterdefendant  
23 3COM CORPORATION

24 By: /s/ David M. Barkan  
25 David M. Barkan  
26 (State Bar No. 160825)  
27 Attorneys for Defendant/Counterplaintiff  
28 D-LINK SYSTEMS, INC.

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from David M. Barkan.

SIMPSON THACHER & BARTLETT LLP

By: /s/ Kerry L. Konrad

Kerry L. Konrad

(*pro hac vice*)

Attorneys for Plaintiff/Counterdefendant  
3COM CORPORATION

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: August 13, 2007

